

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 31, 2001

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA01-0016 for a Variance

PROPOSAL: Side yard setback variance to permit a new second floor addition to an existing single-story, single family dwelling to be constructed 5'6" from the west side property line, also attaching of an existing garage that is 3 feet from the west side property line both of which require a minimum side yard setback of 8 feet.

LOCATION: North and West of Newport Ave, south of Foothill Blvd. and east of Skyline Dr. at 10865 Coronel Rd., Cowan Heights. Third Supervisorial District.

APPLICANT: Scott and Susan Bibaud, property owner

STAFF Al Gordon, Project Manager

CONTACT: Phone: (714) 834-5128 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA01-0016 for a Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is pie shaped and approx. 14,700 square feet in area measuring approximately 114 feet at the front or northerly property line, 58.25 at the rear or southerly property line, 184.15 LF at the easterly property and 166.04 LF at the westerly property line (subject of the variance request). The front two thirds of the site is level to slightly down slope and developed with a single story single family detached dwelling with a detached three car garage and the rear third of the site slopes down approx. 20 feet to a flood control channel. The existing house is located 26 feet from the front or northerly property line, 20 feet from the east side property line, 10.5 feet from the west side property line (area subject of this variance request) and over 88 feet from the south or rear property line. The existing detached garage is setback 22 feet from the front property line and 3 feet from the west side property line. The proposed remodel will add square footage to the existing first floor, attach the garage to the main building and add a second floor to the structure. The first floor addition will add a formal entry, pantry, misc. pool storage, general storage and re-configure the first floor into living area and a guest bedroom. The second floor addition is approx. 38 feet by 31.5 feet and will include three bedrooms, two baths and a balcony at the southwest corner.

SURROUNDING LAND USE:

The subject site and all surrounding properties are zoned E4 (20,000) “Small Estates”(20,000 square foot minimum building site area). The subject site and the surrounding properties to the North, South, East and west are developed with single-family dwellings on similar sized lots.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to two County Divisions and the North Tustin Advisory Committee (NTAC). NTAC discussion follows in the analysis section of this report. As of the writing of this staff report, two phone calls were received from the community voicing concern about the project with respect to the addition of a second story to the existing single story house. One of the phone calls received was from Melva Sheehan. She followed up her call with a letter (attached as exhibit #4) received on May 23, 2001. No additional written correspondence raising issues with the project have been received from the public or other County divisions.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The existing home is zoned E4 (20000) and was built in 1968. The setback for the E4 (20000) is front 30 feet, rear 25 feet and side 10% of the average lot width. The existing home was built under the Peacock Hill PC site development standards and currently has the following setbacks: front 26 feet, rear 88+ feet, east side 20 feet and west side (subject of variance) 10.5 feet. The detached garage has the following setbacks front 22 feet, eastside 42 feet and west side 3 feet (subject of variance request). The current zoning district required side yard setback as determined by staff is 8 feet. The proposed site plan leaves the front setback at 26 feet (existing condition), the west side yard setback (subject of the variance) on the first floor will remain at the existing 10.5 feet from the property line and the proposed second floor addition will cantilever a maximum of 2.5 feet into the required west side yard setback which will create a minimum setback of 5.5 feet from the westerly property line. The new second floor addition will cantilever out 4 feet toward the rear property line, but the rear setback will still be at 88+ feet. A new balcony will be added to the southwest corner of the second floor addition, but meets the projection into setback standards for a balcony (Zoning Code Sec.7-9-128.6). The east side setbacks are not affected by the proposed construction. The detached garage will be attached to the main building as a part of this proposal and will remain at 3 feet from the west side property line.

The proposed remodel of the existing single-family single story home will create the need for a side yard setback variance along the westerly property line in two places. The first variance location is created by the attachment of the existing detached garage to the main building of the residence. Once the garage is attached to the main building the garage must comply with the setbacks of the main building. (Zoning

Code Sec. 7-9-137.1). The required side yard set back of the main building is 8.0 feet. The garage already exists at 3.0 feet from the westerly property line and is not planned to be a part of any remodel activities, except to meet building code there will be a need to be installed a 1 (one) - hour rated fire wall as a result of attaching the garage to the house. The second variance condition is created by the addition of a second floor to the main building that will cantilever beyond the existing first floor structure in the westerly direction by five (5) feet. This will cause the new second story addition to encroach into the required side yard set back at the west side property line a maximum of two and one half (2.5) feet. The two and one half (2.5) foot encroachment does not give one a full appreciation of the nature of the encroachment. The width of the lot narrows from front to back. The encroachment takes the shape of a triangle affecting only a corner of the second floor addition, tapering from no encroachment to a maximum of two and one half (2.5) feet. The total floor area of encroachment is limited to eleven (11.0) square feet. Because the applicant's lot narrows from front to rear, full use of the property is impaired. An example of this is that the front of the applicants proposed second floor addition has a side yard setback of twelve (12) feet but the rear is at only five and one half (5.5) feet. The height of the existing building is 16 feet. The second floor addition will add approximately 8.0 feet to the existing height, for a total of 24.0 feet, well below the E4 zone maximum height limit of 35 feet.

The planning application was forwarded to the North Tustin Advisory Committee for review and comment. The Advisory Committee reviewed the application at their March meeting. The Board suggested that the applicant complete the neighborhood awareness form, and then continued the item to its April meeting. The item was heard and unanimously approved, as previously presented to the Board at its April 18, 2001 meeting, with no conditions.

Staff cannot identify any planning issues that would prevent the Zoning Administrator from approving the proposed variance.

However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator is able to make these two special variance findings and approve the variance request. The special circumstances for approving the request for a side yard setback variance is included within Finding 7 of Appendix A. The circumstances include, the narrowing of the lot width from front to rear property lines does not give the applicant full use of their lot and the garage is an existing condition and will not change as a result of the variance request. Staff supports the applicants side yard variance request and makes its recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0016 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief
CPSD/Site Planning Section

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. North Tustin Advisory Committee Meeting Minutes from March 21, 2001.
3. North Tustin Advisory Committee Meeting Minutes from April 18, 2001
4. Letter from Melva Sheehan
5. Site Plans and site photos